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Attorney for Defendant  
HENDERSON FIRE DEPARTMENT

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

CHRISTOPHER STEWART, deceased;  
MELINDA VEREEN-MCDUFFIE, Appointed  
Special Administrator of the Estate of  
Christopher Stewart; MARIA STEWART;  
ALEXANDER VIRAY; PAUL VIRAY;  
CHRISTINA MARIE SMITH;  
CHRISTOPHER JAMES STEWART,

Plaintiffs,

v.

HENDERSON FIRE DEPARTMENT;  
GREGORY TRUAX, D.O.; and DJORDJE  
V. HRISTIC, MD.,

Defendants.

UNITED STATES DISTRICT COURT  
CASE NO.: 2:17-cv-02876

**STIPULATION AND ORDER TO  
AMEND COMPLAINT TO CORRECT  
NAMES OF PARTIES**

COME NOW, Plaintiffs Christopher Stewart; Melinda Vereen-McDuffie; Maria Stewart; Alexander Viray; Paul Viray; Christina Maria Smith and Christopher James Stewart, by and through their attorneys Leslie M. Stovall, Esq. and Ross H. Moynihan, Esq. of STOVALL & ASSOCIATES; Defendant Gregory Truax, D.O., by and through his attorneys Robert C. McBride, Esq. and Gerald L. Tan, Esq. of CARROLL, KELLY, TROTTER, FRANZEN, MCKENNA & PEABODY; Defendant Djordje V. Hristic, MD, by

1 and through his attorneys Kim I. Mandelbaum, Esq. and Marie Ellerton, Esq. of  
2 MANDELBAUM, ELLERTON & ASSOCIATES; and Defendant Henderson Fire  
3 Department, by and through its attorneys Nancy D. Savage, Assistant City Attorney and  
4 Josh M. Reid, City Attorney for the CITY OF HENDERSON, and hereby stipulate and  
5 agree to the following:  
6

7 1. The Henderson Fire Department is not a legal entity and was incorrectly named  
8 as a Defendant in the Plaintiffs' Complaint in the above-entitled action instead of the City  
9 of Henderson which is the correct name of the party.

10 2. Plaintiffs will file an Amended Complaint for the sole purpose of making the  
11 following changes and corrections: substituting "City of Henderson" as the correct name of  
12 the Defendant in the place and stead of the Henderson Fire Department and to correctly  
13 spell Defendant Gregory Truax D.O.'s name in the Complaint's caption, instead of "Traux";  
14 No other amendments to Plaintiffs' Complaint will be made. This stipulation is entered for  
15 the sole purpose of making such corrections and is not a waiver of any rights that  
16 defendants may have to seek remand in the future.  
17

18 3. Plaintiffs' Amended Complaint will be filed within seven (7) days of entry of the  
19 court's order upon this stipulation.

20 4. The caption and the court's docket shall be amended to reflect the "City of  
21 Henderson" as the named defendant and to remove "Henderson Fire Department" as a  
22 party and to reflect the correct spelling of defendant's name as Gregory Truax D.O.  
23

24 5. The Defendant City of Henderson's response to the Plaintiffs' Amended  
25 Complaint will be due within seven (7) days after it is filed, with any holidays not to be  
26 included in the calculation of "days."  
27


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6. Defendants Gregory Truax, D.O. and Djordje V. Hristic, M.D. previously filed Answers to Plaintiffs' Complaint and such Answers will be deemed to be responsive to Plaintiff's Amended Complaint.

Dated this 30th day of November, 2017.

STOVALL & ASSOCIATES

MANDELBAUM, ELLERTON &  
ASSOCIATES

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CITY OF HENDERSON

CARROLL, KELLY, TROTTER,  
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Gregory Truax, D.O.

IT IS SO ORDERED.

DATED December 1, 2017.

  
United States Magistrate Judge

